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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
		09/657,250	PIERRE ET AL.
Office Action Summary		Examiner	Art Unit	
		Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-25 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-25 and 27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/06/06 have been fully considered but they are not persuasive.

With respect to claims 1-2, 4, 7-9, 12-15 and 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)**, Claims 1, 5, 22-25 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawler et al. (US Pat No 5,699,107)** in view of **Pohlmann et al (6,446,136)** further in view of **Warwick et al (6,598,169)** and the various 103(a) rejections, applicant traverses the rejections, recites features of the claim limitations, cites a few portions in Pohlmann reference, discusses the office action and further argues that, "...A prima facie case of obviousness of a claimed invention is not established unless all the claim limitations are taught or suggested by the prior art..." that "...each of independent claims 1, 15 and 22 recite a combination of features neither disclosed nor suggested..." that "...Applicant does not find that Pohlmann discloses 'a first request...for an event booking' which identifies (1) a first event which may occur in the future; and (2) a first action to be taken upon occurrence of the first event..." and further argues that there is no motivation to combine reference (see page labeled 10/15+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments, however, with respect to the recited claim limitations, Examiner cited col.6, lines 20-36 and line 57-62, where Pohlmann teaches "...event filters describe identifying criteria for

events of interest and allow specification of various forms of comparison that can be

specified for each fields of an event...that compares the field of an event with a user

specified value..." that "...special syntax is used to distinguish keys...from predefined

fields of the event..." and further teaches event subscription allows the specification of

criteria on the contents of the fields of the event..." (col.5, lines 27-52 and col.10, line

54-col.11, line 27), which meets the recited claim limitations, i.e., "...a first request ...for

booking...identifies (1) a first event which may occur in future...." With respect to "...no

motivation to combine reference..." Examiner, maintains the test for obviousness is not

whether the features of a secondary reference may be bodily incorporate into the

structure of the primary reference; nor is it that the claimed invention must be expressly

suggested in any one or all the references. Rather, the test is what the combined

teachings of the references would have suggested to those of ordinary skill in the art. In

this case Pohlmann teaches an event management system for dynamic correlation of

events. Warwick discloses event management system for managing networks,

applications, databases and devices, as such combining the teaching of Warwick with

Pohlmann would be within the knowledge of one of ordinary skill in the art and

motivation being to avoid the computer system from suffering the performance burden

of having similar code all loaded in the kernel. Furthermore it appears Applicant's

arguments are directed against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, the combination of Pohlmann in view of Warwick and the

various 103(a) rejections, is proper, meets all the claimed limitations and maintained as

repeated below. **This Office Action is made FINAL.**

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2, 4, 7-9, 12-15 and 17-21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al.**

(6,598,169).

As to claims 1 and 15, **Pohlmann** discloses an event management system and

further discloses a system for booking events and initiating actions corresponding to the

events, the system comprising:

The claimed limitation of "an event broker configured to register a plurality of

event bookings in response to requests from one or more clients, where each said

event booking identifies an event which may occur in the future and an action to be

taken should the identified event occur" is met by Figure 4, Item 413 (See Col 5, Lines

3-26).

The claimed limitation of "one or more event managers, where each of said one or more event managers is configured to detect particular types of events" is Figure 3, item 310.

The claimed limitation of "one or more action handlers, where each of said one or more action handlers is configured to initiate particular types of actions," is met by Figure 3, item 350.

The claimed limitation of "wherein each of said event broker, said clients, said event managers, and said action handlers comprise distinct functional entities" is met by Figure 3.

The claimed limitation of "wherein a first event manager of said one or more event managers is configured to notify said event broker of a first event which corresponds to a first event booking, in response to detecting said first event" is met by Figure 3-4 (See Col 5, Lines 67-Col 6, Lines 19).

The claimed limitation of "wherein the event broker is configured to notify a first action handler which corresponds to the first event booking, in response to receiving notification from the first event manager of the detected first event" is met by Figure 3-4 (See Col 8, Lines 1-13).

The claimed limitation of, "wherein the first action handler is configured to initiate a first action, in response to receiving notification from the event broker of the detected first event" is met by Figure 3-4 (See Col 11, Lines 10-26).

The claimed limitation of, "wherein a first request of the requests for an event booking identifies a first event which may occur in the future and a first action to be

taken upon occurrence of said first event" is met by Figure 3-4 (See Col 6, Lines 20-35;

Col 6, Lines 57-62).

Pohlmann fails to explicitly disclose "wherein the first request includes a

description of the first event using a syntax which is unintelligible to the event broker but

which is intelligible to a first event manager of the event managers".

However, note the **Warwick** reference figures 1-3, discloses system and method

for accessing information made available by a kernel mode driver teaches where a

request includes a description of the first event using a syntax which is unintelligible to

the event broker but which is intelligible to a first event manager of the event managers

(See: Col 7, Line 54-Col 8, Line 39; Col 2, Lines 49-65: Figure 5), so as to avoid the

computer system from suffering the performance burden of having similar code all

loaded in the kernel.

Consequently, it would have been clearly obvious to one of ordinary skill in the

art to modify Pohlmann with the teaching of Warwick so as to avoid the computer

system from suffering the performance burden of having similar code all loaded in the

kernel.

Pohlmann further fails to explicitly disclose that the event manager is configured

to determine whether the booking will be accepted and provide a positive

acknowledgement to the broker in response to determining that the event booking is

accepted.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known

in the art to use the concept of providing positive acknowledgement in response to

determining that the entering of a task is accepted so as to ensure that the process

performed by the system is performed. Consequently, it would have been clearly

obvious to one of ordinary skill in the art to modify Pohlmann with the concept of

providing positive acknowledgement in response to determining that the entering of a

task is accepted so as to ensure that the process performed by the system is

performed.

As to claim 2, Pohlmann fails to explicitly disclose that the event manager is not

configured to communicate directly with the fist action handler.

However, it is submitted that it would have been clearly obvious to one of

ordinary skill in the art to have the event manager not configured to communicate

directly with the fist action handler so as to have an intermediate step between the two

modules such as a buffering device so as to alleviate any problems associated with real

time communication.

Claims 4, 7-9, 17-21 are met by that discussed for claim 1.

In regard to claim 12, Pohlmann discloses that the event broker is configured to

maintain ranks corresponding to said event bookings and, if a plurality of said events

have been detected, to initiate said corresponding actions in an order determined by

said ranks (See Col 13, Lines 12-22).

As to claim 13, Pohlmann discloses that the clients are configured to access

event bookings which have been stored by the event broker, said access comprising a

query, a modification, or a termination of a stored event booking (See Col 13, Lines 23-

29).

As to claim 14, Pohlmann fails to disclose that the booking has an expiration time.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to have an expiration time associated with a booking or a task so as to prevent system resources from being unnecessarily allocated.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Pohlmann with an expiration time associated with a booking or a task so as to prevent system resources from being unnecessarily allocated.

4.   Claims 1, 5, 22-25 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawler et al. (US Pat No 5,699,107)** in view of **Pohlmann et al (6,446,136)** further in view of **Warwick et al (6,598,169)**.

As to claims 1 and 22, Lawler et al. discloses a program reminder system that reminds a user of an interactive viewing system when a pre-selected program is available. The reference is silent with respect to a first event manager, a first action handler, and an event broker mechanism. Pohlmann discloses a first event manager, a first action handler, and an event broker mechanism as similarly recited in claim 1 so as to an integrated system for providing tools that utilize a compatible interface without significantly sacrificing tool functionality. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Lawler with a first event manager, a first action handler, and an event broker mechanism for the stated advantage. Lawler and Pohlmann fail to explicitly disclose "wherein the first request includes a description

of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers." Warwick et al. teaches a "first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers" (See: Col 7, Line 54 - Col 8, Line 39; Col 2, Lines 49-65: Figure 5) so as to avoid the computer system from suffering the performance burden of having similar code all loaded in the kernel. Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify the combination of Lawler and Pohlmann with a "first request includes a description of the first event using a syntax which is unintelligible to the event broker but which is intelligible to a first event manager of the event managers" for the stated advantage.

As to claim 5, Lawler et al. discloses a system to remind a use of an event (i.e. the start of a television program). (Col 3, Lines 36-50).

As to claim 23, Lawler et al. discloses an interactive television system receiver coupled to receive a broadcast signal and configured to provide an output signal to a television. "The demodulator 52 functions as a conventional television tuner for selecting one or more of multiple conventional analog video signals present at input 48" (Col 6, Lines 12-15). "The interactive station controller 18 also may include a graphics subsystem 62 that is controlled by the CPU 58 to form graphics images, including user interface displays, on the video display 20" (Col 6, Lines 32-35).

Claims 24 and 28-29 are met by that discussed for claims 1 and 22.

As to claim 25, the combined teaching fails to explicitly disclose that the event

manager is not configured to communicate directly with the fist action handler.

However, it is submitted that it would have been clearly obvious to one of ordinary

skill in the art to have the event manager not configured to communicate directly with

the fist action handler so as to have an intermediate step between the two modules

such as a buffering device so as to alleviate any problems associated with real time

communication.

5.   Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lawler et al. in view of **Pohlmann et al (6,446,136)** in further view of

Warwick et al. (6,598,169) and in further view of **Chawla (US Pat No 6,108,695)**.

As to claim 3, the combination of Lawler and Pohlmann, teach an event

notification system implemented in a receiver for a broadcast system. The combination

of references fails to explicitly disclose the use of a framework comprising a software

layer between an application layer and a driver layer.

Chawla teaches the use of a software layer between the "application layer" or the

media stream manager and the "driver layer" or the low-level software (Figure 3; Col 4,

Lines 6-12), which is preferred in order to increase system performance and user

control.

Consequently, it would have been clearly obvious to one of ordinary skill in the

art to modify the combination of references with a software layer between the

"application layer" or the media stream manager and the "driver layer" or the low-level

software to increase system performance and user control.

As to claim 6, Chawla discloses a system for managing channels on a

multiple channel digital media server. The reference fails to explicitly disclose the use

of library extensions as claimed.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known

in the art to use library extensions for addressing files.

Consequently, it would have been clearly obvious to one of ordinary skill in the

art to implement Chawla with library extensions for addressing files.

6.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Pohlmann et al (6,446,136) in view of **Warwick et al. (6,598,169)** and in further view of

Sudhakaran et al (6,636,901).

As to claim 11, Pohlmann et al. discloses an event notification system.

The reference fails to explicitly disclose that the event broker is configured to determine

the recourses required and resolve resource conflicts.

Sudhakaran et al. teaches automatically determining the resources required and

resolving any resource conflicts so that one or more resources can be shared between

different functions in an error free fashion.

Consequently, it would have been clearly obvious to one of ordinary skill in the

art to modify Pohlmann et al. with automatically determining the resources required and

resolving any resource conflicts so that one or more resources can be shared between different functions in an error free fashion.

7.   Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Pohlmann et al (6,446,136)** in view of **Warwick et al. (6,598,169)** and in further view of **Chernock et al (2003/0159150).**

As to claim 21, Pohlmann et al. discloses an event notification system. The reference fails to explicitly disclose actions as claimed. The reference fails to explicitly disclose a plurality of distinct event types and actions. Chernock teaches the use of plurality of distinct event types and actions. Some of these event types and actions are:

"Tuning the receiving device to play the subsequent program"

"Recording a subsequent program or its selected embedded content at the scheduled time on an external video recording medium for video, on an external audio recording medium for audio, and on internal or external digital data recording medium for other digital data"

"Reminding the user of the scheduled event at the scheduled time, with a video or audio notification, which will allow the user to tune the STB device to play the program" (Paragraphs 0018-0020).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirata (6,374,406) discloses reception method, reception device, transmission method, transmission device, transmission/reception method and device.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative or access** to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

Annan Q. Shang